

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

TONYA M. TREAT,)	
)	
Plaintiff,)	
)	
vs.)	Case Number CIV-05-1330-C
)	
CONOCOPHILLIPS COMPANY; and)	
GARY HORTON, an individual,)	
)	
Defendants.)	

ORDER

Plaintiff filed the present action alleging Defendants violated the terms of the FMLA, ADA, ADEA, FLSA, EPA, and Title VII during the course of her employment and termination. The parties reached an impasse regarding several of Plaintiff's discovery requests and Plaintiff filed the present motion to compel seeking assistance from the Court. After Plaintiff's filing, the parties reached an agreement on several issues, but were unable to resolve their differences as to Interrogatory Nos. 8, 18-20, and 22 and Request for Production Nos. 18-19, 25-26, 28-30, and 33.

Regarding Interrogatory Nos. 8, 18-20, and 22 and Request for Production Nos. 18, 19, 25, 26, and 28-30, the dispute is centered around the scope of Plaintiff's requests. Defendant seeks to limit the requests to Mr. Horton and his group, while Plaintiff seeks to include the other persons (Sally Scott, Vicki Holmes, Ann Oglesby, and Willie Chiang) who were involved in the decision-making process. Based on the evidentiary materials supplied

by Plaintiff, the Court finds that Plaintiff is entitled to the requested discovery for all persons involved in the decision. Accordingly, to the extent responsive material exists, Defendant shall provide the requested information and documents for Gary Horton, Sally Scott, Vicki Holmes, Ann Oglesby, and Willie Chiang.

In Request for Production No. 33, Plaintiff seeks production of personnel files for any person who replaced Plaintiff. In response, Defendant offered to produce the age, gender, and performance evaluations for any responsive person. Plaintiff argues that the concession by Defendant, while helpful, falls short of providing the needed information. According to Plaintiff, she also needs information about disciplinary actions and applications. The Court finds Plaintiff is entitled to the information she seeks. Therefore, Defendant shall produce the offered information and the information about disciplinary actions and applications.

As set forth more fully herein, Plaintiff's Motion to Compel Against Defendant ConocoPhillips Company (Dkt. No. 38) is GRANTED. Plaintiff did not request attorneys' fees and costs associated with bringing the motion and the Court does not find that an award of costs is warranted.

IT IS SO ORDERED this 18th day of December, 2006.


ROBIN J. CAUTHRON
United States District Judge